

*FILED*  
*8/21/01*

 **University  
of Nebraska  
Medical Center**  
*Nebraska's Health Science Center*  
*A Partner with Nebraska Health System*

**College of Medicine**  
**Department of Biochemistry  
and Molecular Biology**  
984525 Nebraska Medical Center  
Omaha, NE 68198-4525  
(402) 559-4417  
Fax: (402) 559-6650

August 20, 2001

**Patent Depository**  
**American Type Culture Collection**  
10801 University Blvd.  
Manassas, VA 20110-2209

**RE: UNMC Docket#63157**  
**Human prostate cancer cells: NE-1-3 cells, PTA-3568**  
**Human prostate cancer cells: NE-1-8 cells, PTA-3569**

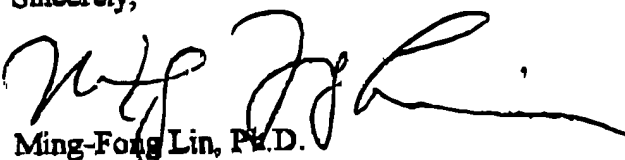
**To Whom It may Concern:**

To fulfill the regulation of patent application, we sent six vials for each of human prostate cancer NE-1-3 and NE-1-8 cell lines, as above described, which were received by your Institution on July 27, 2001. These cells received new assigned numbers: PTA-3568 and PTA-3569, respectively.

Enclosed please find additional 19 vials for each cell with a total of 25 vials for each cell line. Please let me know if there is any additional item(s) that we should fulfill for the completion of Patent Depository.

Thank you very much for your help!

Sincerely,



Ming-Fong Lin, Ph.D.  
Professor  
Department of Biochemistry and Molecular Biology  
Tel. 402-559-6658  
FAX: 402-559-6650  
e-mail: [mfin@unmc.edu](mailto:mfin@unmc.edu)



**ATCC**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2****To: (Name and Address of Depositor or Attorney)**

University of Nebraska Medical Center  
Attn: Ming-Fong Lin  
Dept. of Biochemistry/Molecular Biology  
Omaha, NE 68198-4525

**Deposited on Behalf of:** Board of Regents of the University of Nebraska

**Identification Reference by Depositor:**  
Human Prostate Cancer Cells; NE-1-3 cells  
Human Prostate Cancer Cells; NE-1-8 cells

**Patent Deposit Designation**  
PTA-3568  
PTA-3569

The deposits were accompanied by:     a scientific description     a proposed taxonomic description indicated above. The deposits were received July 27, 2001 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 31, 2001. On that date, the cultures were viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

  
Tanya Nunnally, Patent Specialist, Patent Depository

**Date:** July 31, 2001

cc: Kathleen d. Rigaut  
(Ref: Docket or Case No.: UNMC #63157)



**AMERICAN TYPE CULTURE COLLECTION**  
10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: 703-365-2700  
Fax: 703-365-2745

MFL

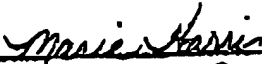
**FACSIMILE****Date:** July 31, 2001**To:** Barbara Roberts for Ming-Fong Lin/ Kathleen D. Rigaut  
**Fax Number:** 402-559-6650 / 215-563-4044**From:** ATCC Patent Depository **Number of pages:** 1 (Including this page)**REFERENCE:** Patent Deposit (Ref: Docket or Case No.: UNMC #63157)

Human Prostate Cancer Cells: NE-1-3 cells assigned ATCC No. PTA-3568 and  
Human Prostate Cancer Cells: NE-1-8 cells assigned ATCC No. PTA-3569.

**Date of Deposit:** July 27, 2001. Paperwork will be forwarded to you in a few days. An invoice will be sent under separate cover referencing PO # 4500055702 as follows:

Standard storage/informing	\$ 2,300.00
Viability Test	640.00

Total amount to PTA-3568 and PTA-3569 \$ 2,940.00

  
Marie Harris, Patent Specialist  
ATCC Patent Depository

- Please note: Patent deposit fees have increased effective January 1, 2001. Deposit forms were revised February 2000. Current deposit forms and fees can be obtained from our web site: [www.atcc.org](http://www.atcc.org).



The information contained in this facsimile is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination or distribution, except to the intended recipient of this communication, is prohibited. If you have received this communication in error, please call us immediately at the telephone number listed above.

TOTAL P.01

 **University  
of Nebraska  
Medical Center**  
*Nebraska's Health Science Center*  
*A Partner with Nebraska Health System*

**College of Medicine**  
**Department of Biochemistry  
and Molecular Biology**  
984525 Nebraska Medical Center  
Omaha, NE 68198-4525  
(402) 559-4417  
Fax: (402) 559-6650

July 25, 2001

Patent Depository  
American Type Culture Collection  
10801 University Blvd.  
Manassas, VA 20110-2209

**RE: UNMC Docket#63157**

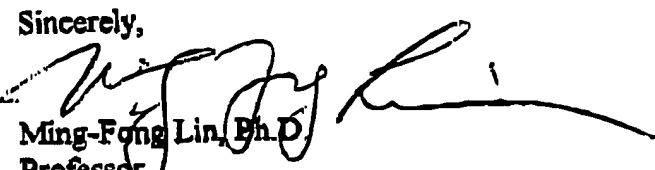
To Whom It may Concern:

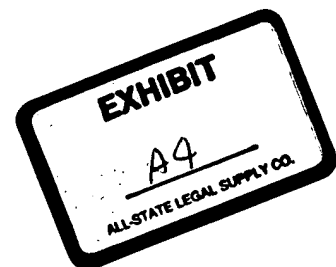
I am sending six vials each of two cell lines, designated as human prostate NE-13 and NE-18 cells, to fulfill the regulation of patent application. The remaining 19 vials each will be mailed as soon as they are available.

Please note, since I will be out of country for more than two weeks, I would appreciate it if you can notify my departmental administrator, Ms. Barbara Roberts at 402-559-4419, FAX 402-559-6650, and e-mail [broberts@unmc.edu](mailto:broberts@unmc.edu) regarding its ATCC number after confirmation of viability testing is complete.

Thanks very much for your help!

Sincerely,

  
Ming-Fong Lin, Ph.D.  
Professor  
Department of Biochemistry and Molecular Biology  
Tel. 402-559-6658  
FAX: 402-559-6650  
e-mail: [mlin@unmc.edu](mailto:mlin@unmc.edu)



# Budapest Treaty Deposits

## American Type Culture Collection

10801 University Blvd., Manassas, VA 20110-2209

Phone (703) 365-2700; fax (703) 365-2745; e-mail applied-sci@atcc.org

# ATCC

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF THE BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

ALL QUESTIONS MUST BE COMPLETED IN ENGLISH. PLEASE USE ONE FORM FOR EACH STRAIN DEPOSITED.

1. Name of deposit. If microorganism, give complete scientific name including genus and species and source of material; if virus, give name, whether plant or animal, and source including geographical location; if cell line, give tissue and species, geographical source of isolation, and any known hazards associated (HIV, EBV, etc.); if genetic materials, give name of organism from which vector, clone or library is derived, source of the DNA insert identified by species (e.g. human, mouse) or scientific name, and give name of gene and identity of the host organism; if consortia or mixed culture, each component of the mixture must be identified; if seeds, embryos, insect eggs, etc., give common name, scientific name, and geographical source.

Human Prostate Cancer cells, no known hazards associated.

2. Strain designation (i.e., number, symbols, etc.) NE-13 cells  
The strain designation must correspond with the vial labels.

3. Is this an original deposit under the Budapest Treaty? Yes.

4. Is this a request for a conversion of a deposit already at ATCC to meet the requirements of the Budapest Treaty? If so please indicate ATCC designation. No.

5. Is this deposit a mixture of microorganisms or cells? No.

6. Provide details necessary to cultivate, test for viability, and store deposit. If mixture, provide description of components and a method to check presence. If plasmid, provide name of host and antibiotic resistance. Frozen cells are recommended to be seeded initially in an FNC coating Mix<sup>®</sup>-treated plastic flask in the presence of RPMI 1640 medium contg. 5% charcoal/serum-treated FBS, 1% Gln and 0.5% Gentamicin.

7. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod). FNC coating Mix<sup>®</sup> - B2FF, CAT# AF-10, 301-831-8810  
cell attachment and survival, but with slow growth property.

- a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list the antibiotics.

Gentamicin

- b. If deposit is hybridoma, what is the isotype of antibody produced? N/A

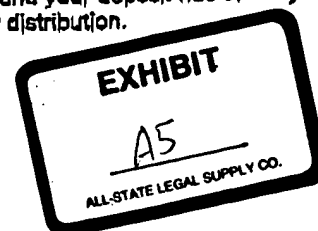
8. Is this strain hazardous to humans? Potentially Animals? NO Plants? NO If yes, what is the recommended biosafety level for working with this strain? 1 (Refer to Biosafety in Microbiological and Biomedical Laboratories, 4th ed. U.S. Dept. of Health and Human Services at [www.cdc.gov/od/ohs/biosfty/bmbl4toc.htm](http://www.cdc.gov/od/ohs/biosfty/bmbl4toc.htm)).

9. Availability: Prior to the issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or relevant patent office. Samples must be provided to a specific investigator if a pertinent patent office under the Budapest Treaty instructs ATCC to do so. The following questions must be answered:

a) As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit to be made available to anyone who requests a culture? If yes there are no restrictions on distribution. Answering no will ensure the deposit is not available until the patent has issued. Yes ☐ No ☒

b) As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit to be made available to requestors which satisfy patent offices in countries not signatory to the Budapest Treaty? Yes ☐ No ☒  
If yes state which countries.

Please note that if you are converting your deposit to meet the requirements of the Budapest Treaty and your deposit has already been released for distribution due to the issuance of a U.S. patent, you cannot restrict it from further distribution.



After a U.S. patent issues and we are so notified, ATCC makes the culture available to anyone who requests it, as allowed under USPTO Rules and Regulations (37 CFR 1.808 [a](2)).

10. ATCC will notify you of your ATCC number after confirmation of viability testing is complete.

Name of individual to notify: MING-FONG LIN, Ph.D.

Fax: 402-559-6650

Phone: 402-559-6658

E-mail: m.lin@unmc.edu

11. Payment by check, or credit card (Mastercard, VISA or American Express), must accompany the deposit unless prior arrangements for billing have been made and approved. ATCC accepts Purchase Orders in the correct amount:

Purchase Order No. 4500055702

Check No. \_\_\_\_\_

Credit Card number, Please indicate MasterCard, VISA, or AE. \_\_\_\_\_

Exp. Date: \_\_\_\_\_

Name shown on card: \_\_\_\_\_

(Please type or print clearly.)

Signature of card holder \_\_\_\_\_

PAYMENT: ATCC MUST HAVE A BILLING ADDRESS, CONTACT PERSON, PHONE AND FAX NUMBER FOR ALL DEPOSITS:  
Accounts Payable, 985040 Nebraska Medical Center, Omaha, NE 68198-5040

Contact person: Barb Roberts, 402-559-4419; Fax 402-559-6650

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

12. Name, address, telephone and facsimile number of your attorney of record. Kathleen D. Rigaut, Ph.D., J.D.,  
Dann, Dorfman, Herrell & Skillman, A Professional Corp., 1601 Market Street, Suite 720,  
Philadelphia, PA 19103-2307 (Ref: Docket or Case No. UNMC Docket #6357)  
Tel. 215-563-4100; Fax 215-563-4644

13. MUST BE COMPLETED. Deposited on behalf of: (Verify with your management who owns the deposit. The owner is usually a company or institute and not an individual.) Board of Regents of The University of

Nebraska

I understand and agree that the deposit may not be withdrawn by me for a period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit or 5 years after the date of the most recent request for the deposit, whichever is longer), and that if a culture should die or be destroyed during the life of the patent or the period of time so specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.

Ming-Fong Lin, Ph.D.

Typed Name

Signature Ming-Fong Lin

Date 7/25/01

Address: Dept. of Biochem/Mol. Biol., University of Neb. Med. Center, Omaha, NE 68198-4525

Phone: 402-559-6658 Fax: 402-559-6650 E-mail: m.lin@unmc.edu

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Patent Depository  
American Type Culture Collection  
10801 University Blvd.  
Manassas, VA 20110-2209 U.S.A.

STORAGE: Cultures are stored for 30 years from date of deposit or 5 years after the last request for a sample, whichever is longer, as required under the rules of patent offices in most countries.

FEES: For current fees, check our Web site at [www.atcc.org](http://www.atcc.org), request a fee sheet by e-mail to [applied-sci@atcc.org](mailto:applied-sci@atcc.org), or call (703) 365-2700 ext. 320. All fees are subject to change.

ATCC USE ONLY: ATCC DESIGNATION \_\_\_\_\_ REC'D \_\_\_\_\_ V.T. RESULT \_\_\_\_\_

Name of Deposit \_\_\_\_\_ Strain Designation: \_\_\_\_\_

Form BP/1 Rev. 2/00

EXHIBIT

A6

ALL-STATE LEGAL SUPPLY CO.

**Budapest Treaty Deposits****American Type Culture Collection**

10801 University Blvd., Manassas, VA 20110-2209

Phone (703) 365-2700; fax (703) 365-2745; e-mail applied-sci@atcc.org

**ATCC**

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF THE BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

ALL QUESTIONS MUST BE COMPLETED IN ENGLISH. PLEASE USE ONE FORM FOR EACH STRAIN DEPOSITED.

1. Name of deposit. If microorganism, give complete scientific name including genus and species and source of material; if virus, give name, whether plant or animal, and source including geographic location; if cell line, give tissue and species, geographical source of isolation, and any known hazards associated (HIV, EBV, etc.); If genetic materials, give name of organism from which vector, clone or library is derived, source of the DNA insert identified by species (e.g. human, mouse) or scientific name, and give name of gene and identity of the host organism; If consortia or mixed culture, each component of the mixture must be identified; if seeds, embryos, insect eggs, etc., give common name, scientific name, and geographical source.

Human Prostate Cancer Cells, no known hazards associated.

2. Strain designation (i.e., number, symbols, etc.) NE-18 cells  
The strain designation must correspond with the vial labels.

3. Is this an original deposit under the Budapest Treaty? Yes

4. Is this a request for a conversion of a deposit already at ATCC to meet the requirements of the Budapest Treaty? If so please indicate ATCC designation. No.

5. Is this deposit a mixture of microorganisms or cells? No.

6. Provide details necessary to cultivate, test for viability, and store deposit. If mixture, provide description of components and a method to check presence. If plasmid, provide name of host and antibiotic resistance. Frozen cells are recommended to be seeded initially in an FNC coating mix @ treated plastic flask in phenol red-free RPMI 1640 medium contg. 5% charcoal/serum treated FBS, 100g/ml and 0.5% Gentamicin.

7. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod). FNC Coating Mix @ BREF, cat# AF-10, 301-831-8810.  
Cell attachment and survival, but with slow growth property.

- a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list the antibiotics.

Gentamicin.

- b. If deposit is hybridoma, what is the isotype of antibody produced? N/A

8. Is this strain hazardous to humans? Potentially Animals? NO Plants? NO. If yes, what is the recommended biosafety level for working with this strain? 1. (Refer to Biosafety in Microbiological and Biomedical Laboratories, 4th ed. U.S. Dept. of Health and Human Services at [www.cdc.gov/od/ohs/biosfty/bml4/bml4toc.htm](http://www.cdc.gov/od/ohs/biosfty/bml4/bml4toc.htm)).

9. Availability: Prior to the issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or relevant patent office. Samples must be provided to a specific investigator if a pertinent patent office under the Budapest Treaty instructs ATCC to do so. The following questions must be answered:

a) As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit to be made available to anyone who requests a culture? If yes there are no restrictions on distribution. Answering no will ensure the deposit is not available until the patent has issued. Yes      No X

b) As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit to be made available to requestors which satisfy patent offices in countries not signatory to the Budapest Treaty? Yes      No X  
If yes state which countries.     

Please note that if you are converting your deposit to meet the requirements of the Budapest Treaty and your deposit has already been released for distribution due to the issuance of a U.S. patent, you cannot restrict it from further distribution.

**EXHIBIT**A7

ALL-STATE LEGAL SUPPLY CO.

After a U.S. patent issues and we are so notified, ATCC makes the culture available to anyone who requests it, as allowed under USPTO Rules and Regulations (37 CFR 1.808 [a](2)).

10. ATCC will notify you of your ATCC number after confirmation of viability testing is complete.

Name of individual to notify: Ming-Fong Lin, Ph.D. E-mail: mlin@unmc.edu  
 Fax: 402-559-6650 Phone: 402-559-6658

11. Payment by check, or credit card (Mastercard, VISA or American Express), must accompany the deposit unless prior arrangements for billing have been made and approved. ATCC accepts Purchase Orders in the correct amount:

Purchase Order No. 4500055702 Check No. \_\_\_\_\_

Credit Card number. Please indicate MasterCard, VISA, or AE. \_\_\_\_\_

Exp. Date: \_\_\_\_\_ Name shown on card: \_\_\_\_\_  
 (Please type or print clearly.)

Signature of card holder \_\_\_\_\_

PAYMENT: ATCC MUST HAVE A BILLING ADDRESS, CONTACT PERSON, PHONE AND FAX NUMBER FOR ALL DEPOSITS:

Billing address: Accounts Payable, 985040 Nebraska Medical Center  
Omaha, NE 68198-5040

Contact person: Barb Roberts

Phone: 402-559-4419 Fax: 402-559-6650

12. Name, address, telephone and facsimile number of your attorney of record. Kathleen D. Rigaut, Ph.D., J.D.,  
Dana Dorfman, Herrell & Skillman, A Professional Corp., 1601 Market Street,  
Suite 730, Philadelphia, PA 19103-2307 (Ref. Docket or Case No. \_\_\_\_\_)  
Tel. 215-563-4100; Fax: 215-563-4044

13. MUST BE COMPLETED. Deposited on behalf of: (Verify with your management who owns the deposit. The owner is usually a company or institute and not an individual.) Board of Regents of the University  
of Nebraska

I understand and agree that the deposit may not be withdrawn by me for a period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit or 5 years after the date of the most recent request for the deposit, whichever is longer), and that if a culture should die or be destroyed during the life of the patent or the period of time so specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.

Ming-Fong Lin, Ph.D.

Typed Name

Signature Ming Fong Lin

Date 7/25/01

Address: Dept. of Biochem/Mol. Biol., University of Neb. Med. Center, Omaha  
NE 68198-4373

Phone: 402-559-6650 Fax: 402-559-6650 E-mail: mlin@unmc.edu

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Patent Depository  
 American Type Culture Collection  
 10801 University Blvd.  
 Manassas, VA 20110-2209 U.S.A.

STORAGE: Cultures are stored for 30 years from date of deposit or 5 years after the last request for a sample, whichever is longer, as required under the rules of patent offices in most countries.

FEES: For current fees, check our Web site at [www.atcc.org](http://www.atcc.org), request a fee sheet by e-mail to [applied-sci@atcc.org](mailto:applied-sci@atcc.org), or call (703) 365-2700 ext. 320. All fees are subject to change.

ATCC USE ONLY: ATCC DESIGNATION \_\_\_\_\_ REC'D \_\_\_\_\_ V.T. RESULT \_\_\_\_\_

Name of Deposit \_\_\_\_\_ Strain Designation: \_\_\_\_\_

Form BP/1 Rev. 2/00

